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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
EDITH NELSON,)
RONALD NELSON, and)
NELDA ASUNCION,)
)
Defendants.)

No. CR 08-477-1 DLJ
No. CR 08-477-2 DLJ
No. CR 08-477-3 DLJ

**AMENDED STIPULATION AND
RESTITUTION ORDER FOR VICTIMIZED
FINANCIAL INSTITUTIONS**

Plaintiff United States of America, by and through its attorney of record, and defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion, by and through their respective attorneys of record, hereby stipulate as follows:

1. On February 3, 2012, defendant Edith Nelson pled guilty to Conspiracy to Commit Bank Fraud and Wire Fraud, in violation of 18 U.S.C. § 1349; Monetary Transactions Using Criminally Derived Property, in violation of 18 U.S.C. § 1957(a); Income Tax Evasion, in violation of 26 U.S.C. § 7201; and Harboring of an Illegal Alien, in violation of 8 U.S.C. § 1324(a)(1)(A)(iii). On that same date, February 3, 2012, defendant Ronald Nelson pled guilty to Conspiracy to Commit Bank Fraud and Wire Fraud, in violation of 18 U.S.C. § 1349; Income Tax Evasion, in violation of 26 U.S.C. § 7201; and Harboring of an Illegal Alien, in violation of 8 U.S.C. § 1324(a)(1)(A)(iii).

1 Also on February 3, 2012, defendant Nelda Asuncion pled guilty to Conspiracy to Commit Bank
2 Fraud and Wire Fraud, in violation of 18 U.S.C. § 1349; and Monetary Transactions Using
3 Criminally Derived Property, in violation of 18 U.S.C. § 1957(a).

4 2. On May 10, 2012, this Court sentenced defendants Edith Nelson, Ronald Nelson ,
5 and Nelda Asuncion pursuant to their plea agreements under Rule 11(c)(1)(C) of the Federal Rules
6 of Criminal Procedure.

7 A. As part of their plea agreements, defendants Edith Nelson and Ronald Nelson agreed
8 to pay restitution in the total amount of \$5,223,476.90 (plus interest and penalties on
9 the restitution owed for income tax evasion) as follows:

10 (1) \$3,384,368.50 for mortgage loan fraud;

11 (2) \$292,862 plus interest and penalties for income tax evasion; and

12 (3) \$1,546,246.40 for the back wages of employees and former employees, as
13 determined by the U.S. Department of Labor.

14 B. As part of her plea agreement, defendant Nelda Asuncion agreed to pay restitution
15 in the total amount of \$2,838,868.50 for mortgage loan fraud.

16 3. The agreed upon restitution involved victims which are financial institutions and
17 government entities, such as the Federal Deposit Insurance Corporation and the Internal Revenue
18 Service, as well as individual victims. The government previously provided the defendants with
19 charts setting forth, *inter alia*, the names of the victims and the restitution owed to each of them.
20 The government represents that it has provided the addresses for payment of restitution to the U.S.
21 Office of Probation.

22 4. At the sentencing proceeding, this Court granted the United States' request that the
23 respective judgments indicate that the individual victims have priority for payment of restitution
24 over the lending institutions and government entities pursuant to 18 U.S.C. § 3664(i). This Court
25 directed that the parties submit stipulations and proposed orders setting forth the order of priority
26 for payment of restitution and the amount of restitution owed to each victim, as the parties had
27 agreed in entering into the respective plea agreements. With respect to defendants Edith Nelson and
28 Ronald Nelson, this Court directed that stipulations and proposed orders for the payment of

1 restitution be submitted regarding: (1) individual victims of mortgage loan fraud; (2) forty-nine
2 individual victims who are owed back wages; (3) financial institutions who are victims of mortgage
3 loan fraud; and (4) Internal Revenue Service for payment of taxes owed. With respect to defendant
4 Nelda Asuncion, this Court directed that stipulations and proposed orders for the payment of
5 restitution be submitted regarding: (1) individual victims of mortgage loan fraud; and (2) financial
6 institutions who are victims of mortgage loan fraud;

7 5. The government and defendants Edith Nelson and Ronald Nelson agree that, if the
8 defendants make partial payments, the individual victims of mortgage loan fraud as well as the
9 individual victims who are owed back wages shall receive approximately proportional payments
10 until full restitution is paid to all of the individual victims. After all of the individual victims are
11 paid restitution in full, the financial institutions who are victims of mortgage loan fraud shall receive
12 approximately proportional payments of restitution until full restitution is paid to those financial
13 institutions. After all of the financial institution victims are paid restitution in full, the Federal
14 Deposit Insurance Corporation (“FDIC”), a quasi-governmental entity, shall receive all restitution
15 payments until the FDIC is paid in full. After the FDIC is paid full restitution, the Internal Revenue
16 Service (“IRS”) shall receive all remaining payments until full restitution is made to the IRS,
17 including interest and penalties on the taxes owed.

18 6. The government and defendant Nelda Asuncion agree that, if the defendant makes
19 partial payments, the individual victims of mortgage loan fraud shall receive approximately
20 proportional payments until full restitution is paid to those victims. After those individual victims
21 are paid restitution in full, defendant Nelda Asuncion’s restitution payments shall be made to the
22 financial institutions in approximately proportional payments until full restitution is paid to those
23 financial institutions.

24 7. The parties agree that defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion
25 shall pay, jointly and severally, restitution owed to the financial institutions listed below (including
26 the FDIC as Receiver for Washington Mutual Restitution Payments) in the specified amounts,
27 totaling 1,824,721.24, and that the addresses for payment of restitution are as follows:

Item No.	Defendants (Jointly & Severally Liable)	Property	Loan #	Joint & Several Restitution	Name of Victim & Address for Payment of Restitution
1	Edith Nelson, Ronald Nelson, & Nelda Asuncion	130 El Cerro Court, Danville, CA	Countrywide Loan #125899432 & 125899440	\$248,145.39	Bank of America, N.A. - Payment Processing, Mail Stop: CA9-705-09-31, 1000 W. Temple Street, Los Angeles, CA 90012 B of A GCS-IS-MLI CSM Case # FACTS 07-50561
2	Edith Nelson, Ronald Nelson, & Nelda Asuncion	121 Warwick Drive, Walnut Creek, CA	Countrywide Loan #111292837 & 111292845	\$246,610.36	Bank of America, N.A. - Payment Processing, Mail Stop: CA9-705-09-31, 1000 W. Temple Street, Los Angeles, CA 90012 B of A GCS-IS-MLI CSM Case # FACTS 07-50561
3	Edith Nelson, Ronald Nelson, & Nelda Asuncion	4124 Forestview Avenue, Concord, CA	Countrywide Loan #101069226 & 101069234	\$122,563.24	Bank of America, N.A. - Payment Processing, Mail Stop: CA9-705-09-31, 1000 W. Temple Street, Los Angeles, CA 90012 B of A GCS-IS-MLI CSM Case # FACTS 07-50561
4	Edith Nelson, Ronald Nelson, & Nelda Asuncion	2267 Shannon Lane, Walnut Creek, CA	Washington Mutual Loan #6508478	\$293,038.00	FDIC as Receiver for Washington Mutual Restitution Payments, P.O. Box 971774, Dallas, TX 75397-1774
5	Edith Nelson, Ronald Nelson, & Nelda Asuncion	1213 St. Elizabeth Court, Concord, CA	Washington Mutual Loan # 0729406322 & 0729406421	\$637,493.23	FDIC as Receiver for Washington Mutual Restitution Payments, P.O. Box 971774, Dallas, TX 75397-1774
6	Edith Nelson, Ronald Nelson, & Nelda Asuncion	1772 Geary Road, Walnut Creek, CA	(1) Fremont Investment & Loan #7000212506 (2) America's Servicing Loan #7000212743	(1) \$147,289.78 (Restitution re: Principal Loan) (2) \$129,581.24 (Restitution re: Second Loan)	(1) Signature Group Holdings, 15303 Ventura Blvd, Suite 1600, Sherman Oaks, CA 91403 (2) Wells Fargo Mortgage, MAC# X2303-048, 1 Home Campus, 4 th Floor, Des Moines, IA 50328
	Total Restitution			\$1,824,721.24	

8. The restitution amounts owed by defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion to the individual victims of mortgage loan fraud are set forth in separate stipulations and orders.

IT IS SO STIPULATED.

Dated: July 18, 2012

Respectfully submitted,

MELINDA HAAG
United States Attorney

/s/
DEBORAH R. DOUGLAS
Assistant United States Attorney

Dated: July 18, 2012

/s/
JOYCE LEAVITT
Assistant Federal Public Defender
Attorney for Defendant Edith Nelson

Dated: July 18, 2012

/s/
GILBERT EISENBERG
Attorney for Defendant Ronald Nelson

Dated: July 18, 2012

/s/
DEBORAH G. LEVINE
Attorney for Defendant Nelda Asuncion

ORDER

Based upon the parties' stipulation and plea agreements, IT IS HEREBY ORDERED that defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion shall pay, jointly and severally, restitution owed to the financial institutions listed in the stipulation in the specified amounts, totaling \$1,824,721.24.

IT IS SO ORDERED.

Dated: July Fi, 2012


HONORABLE D. LOWELL JENSEN
SENIOR UNITED STATES DISTRICT JUDGE